UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JEFFERY BOLLINGER,)	
Petitioner,)	
)	
V.)	No. 4:06-CV-1738 CAS
LARRY DENNY,)	
Respondent.)	

ORDER

This matter is before the Court on state prisoner Jeffery Bollinger's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge David D. Noce for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On September 24, 2007, Judge Noce filed a Report and Recommendation of United States Magistrate Judge which recommended that Bollinger's petition for writ of habeas corpus be denied as untimely and on the merits. No objections were filed to the Magistrate Judge's Report and Recommendation within the time permitted.

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States

Magistrate Judge is sustained, adopted and incorporated herein. [Doc. 13]

IT IS FURTHER ORDERED that Jeffery Bollinger's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 1]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 30th day of March, 2009.